

For Office Use Only
 Executive Office of Environmental Affairs

EOEA No.: *14229*
 MEPA Analyst: *Holly Johnson*
 Phone: 617-626-*1023*

ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Essex Woods Estates		
Street: Essex Street		
Municipality: Middleton	Watershed: Boston Brook	
Universal Transverse Mercator Coordinates:	Latitude: 42°36'47" Longitude: 71°01'47"	
Estimated commencement date: June 2007	Estimated completion date: December 2010	
Approximate cost: \$6,000,000.00	Status of project design: 100% complete	
Proponent: Monastiero Consulting Services, LLC		
Street: 7 Ashley Court		
Municipality: Lynnfield	State: MA	Zip Code: 01940
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Richard L. Williams, P.E.		
Firm/Agency: Hayes Engineering, Inc.	Street: 603 Salem Street	
Municipality: Wakefield	State: MA	Zip Code: 01880
Phone: (781) 246-2800	Fax: (781) 246-7596	E-mail: ---

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes X No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) X No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) X No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes X No
 - a Special Review Procedure? (see 301CMR 11.09) Yes X No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes X No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes X No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **N/A**

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) X No

List Local or Federal Permits and Approvals: Definitive Subdivision Plan Approval, Rev. 11/08/2007;
Order of Conditions, DEP File #222-0606, issued April 4, 2008 (attached);
National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater
Discharge – will be applied for.

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input checked="" type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superceding Order of Conditions <input type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> MESA Conservation and Management Permit Conservation Restriction
Total site acreage	24.16 acres			
New acres of land altered		5.6 acres		
Acres of impervious area	0.08 acres	1.89 acres	1.97 acres	
Square feet of new bordering vegetated wetlands alteration		4,695 sq.ft.		
Square feet of new other wetland alteration		39,500 sq.ft. Riverfront Area		
Acres of new non-water dependent use of tidelands or waterways		N/A		
STRUCTURES				
Gross square footage	N/A	N/A	N/A	
Number of housing units	1	8	9	
Maximum height (in feet)	30	5	35	
TRANSPORTATION				
Vehicle trips per day	10	76	86	
Parking spaces	2	16	18	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	330	4,180	4,510	
GPD water withdrawal	N/A	N/A	N/A	
GPD wastewater generation/treatment	330	4,180	4,510	
Length of water/sewer mains (in miles)	N/A	N/A	N/A	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify - **Blue-Spotted Salamander**) No

Massachusetts Estimated Habitat, Massachusetts Natural Heritage Atlas, 12th Edition

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The subdivision consists of approximately 24.16 acres of land located off Essex Street. The land consists of two parcels of land. The first parcel is the land containing the house numbered 129 Essex Street; the second parcel is located east of 129 Essex Street and land owned by the Massachusetts Electric Company. The second parcel contains approximately 22 acres of land. The two parcels are separated by the Boston Brook in addition to the Mass. Electric Company parcel. In order to provide continuous access, the applicant will obtain an access easement allowing access over the Mass. Electric property. Portions of the properties contain resource areas, as defined by the Commonwealth of Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40. The subdivision lies within the R-A and R-1b residential zones. The locations of the zone lines are shown on the definitive plans. All lots are designed to meet the requirements of the zoning district in which they lie. Portions of the property lie within the Town's Conservancy District (EL. = 80).

A total of nine (9) new building lots and the removal of one existing single-family home are proposed to be created by the construction of the roadway within the Essex Woods Estates subdivision. The proposed plan anticipates the construction of one cul-de-sac roadway, approximately 1,160 feet in length, to provide the requisite frontage required under the Middleton Zoning By-Law.

The topography of the site ranges from approximately elevation 117 National Geodetic Vertical Datum (NGVD), to a minimum elevation of approximately 67. The limit of the wetland resource areas were determined by Hayes Engineering, Inc. for the purpose of identifying and describing the vegetation types and wetland resource areas.

The site is listed as being within an area of Estimated Habitats of State Listed Rare Wetlands Wildlife or Natural Heritage and Endangered Species Program (NHESP) according to the Massachusetts Natural Heritage Atlas, 12th Edition (2006). The applicant is in the process of obtaining permits from NHESP for the work shown on the plans. The filing for the MESA Conservation and Management Permit (321 CMR 10.23) and the 401 Water Quality Certification are the reasons for filing this ENF since the final permits cannot be issued until the MEPA process is completed.

The intent of the project is to provide access to the upland portion of the undeveloped parcel with a subdivision designed to minimize buffer zone and resource area disturbance by using bridge structures, retaining walls, Stormceptors and other fill and pollution-reduction methods.

The approved subdivision construction will necessarily involve crossing buffer zone and resource areas jurisdictional under the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Sec. 40, 310 CMR 10.00 et. al.). As such, this project is required to meet performance standards outlined in the associated regulations. These standards and project compliance are discussed below.

Buffer Zone - Proposed subdivision construction activities, consisting of vegetation removal, structure removal, excavation, house construction, filling, utility and drainage system installation, grading and paving, will occur within the buffer zone to bordering vegetated wetlands, as shown on the accompanying Topographic Plan. The project design ensures that work in the buffer zone will meet regulatory performance standards. Implementation of erosion control procedures outlined in the accompanying "Erosion and Sedimentation Control" report will serve to protect adjacent resource areas from any unplanned encroachment.

Bordering Vegetated Wetland - The aforementioned Order of Conditions permitted the alteration of 4,695 sf. of wetlands and construction of a 4,700 sf. replication area as mitigation for that disturbance. Resource area alteration and mitigation areas presented in the accompanying plans remain unchanged from those permitted in the Order.

Land Under Waterbody and Waterway - The aforementioned Order of Conditions permitted the alteration of 1,400 sf. of LUWB due to installation of the bridge structure across Boston Brook. Resource area alterations presented in the accompanying plans remain unchanged from those permitted in the Order. No mitigation is proposed for this disturbance.

Bordering Land Subject to Flooding - The aforementioned Order of Conditions permitted the alteration of 2,883 sf. of BLSF and provision of approximately 18,330 sf. of flood storage replacement (within replication area) to allow access road construction. Alteration and compensation of this resource area is slightly larger (3,363 sf.) as presented in the accompanying plans due to removal of the initial span. The proposed disturbance of BLSF meets the wildlife habitat threshold and therefore the project is presumed to protect wildlife habitat functions on the property.

Riverfront Area Alternatives Analysis - The aforementioned Order of Conditions permitted the alteration of 32,300 sf. of Riverfront Area to allow access for road construction. As shown on the current project design, alteration of the Riverfront Area will not only result from roadway construction but from driveway construction / grading in Lots 1 and 9 and septic system grading in Lot 8, as well. Stormwater management area BMPs are present in this resource area, however this work is not considered as an alteration of Riverfront Area since stormwater management structures are allowed within the Riverfront Area as outlined in 310 CMR 10.58(c.) (3)(d.1). Total resource area alteration for this project is 39,500 sf. (8.3%).

ROADWAY ALTERNATIVES - All possible alternative access points connecting the two Essex Street properties were evaluated as part of the development analysis of the approved roadway project, as described below.

Access from Old Essex Street - The initial design for this project, as submitted in an initial Notice of Intent filing, proposed access from Old Essex Street. However, that design required a great amount of resource area disturbance and thus was rejected as impracticable. Consequently, other properties in the vicinity were considered as possible access points.

Access from #127 Essex Street - Subsequent to the initial Notice of Intent filing, the applicant negotiated to purchase the property at #127 Essex Street, and Hayes Engineering, Inc. designed an alternative project access point. That design resulted in less resource area disturbance than accessing from Old Essex Street. However, due to circumstances, that purchase did not work out and the agreement to purchase the property at #127 Essex Street lapsed. As such, access from that address is no longer available.

Access from #129 & #289 Essex Street - The only remaining property in the vicinity that could be utilized by the applicant for the project was the property at #129 & #289 Essex Street, and was thus chosen for the current access locus. The current design provides the least resource area disturbance compared to the alternative access points discussed above.

The project has been reviewed by the Middleton Conservation Commission and a permissive Order of Conditions under DEP File #222-0606 was issued on April 4, 2008.

A request will also be made for the 401 Water Quality Certificate since the amount of wetland resource disturbance to the Bordering Vegetated Wetlands (4,695 sf.) and the Land Under Waterbody (1,400 sf.) will exceed the 5,000 square-foot disturbance allowance.

This Certificate also cannot issue until the MEPA process is completed.